IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 279 OF 2007

1. Ramchandra Deu Warghade
2. Laxuman Deu Warghade
3. Janardan Laxuman Warghade
4. Hanumant Laxuman Warghade
5. Kantilal Laxuman Warghade
6. Nilesh Laxuman Warghade ..Applicants.

V/s

The State of Maharashtra ..Respondents.

Mr. Rahul Kate, Advocate for the applicants.

Mr.Y.S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 5TH FEBRUARY, 2007.

P.C.

. Heard Mr. Rahul Kate, learned Counsel for the applicants and Mr. Shinde, learned APP for the State. Perused police papers.The applicants seek to be released on bail in Crime No.I-193/2006, registered at Murbad Police Station for the offences punishable under Sections 306,323, 504, and 504 r/w section 34 of Indian Penal Code.

2. Prosecution case is that the oral partition had taken place of immovable property between Hiru Jayram

Warghade, his brother Shankar, widow sister-in-law Nirmalabai on one hand and accused Laxman Warghade on the other hand. The land in the name of applicant No.2 Laxman in oral partition was allotted to Hiru, Shankar and Nirmalabai but actually was not mutated in their names. Due to this, there was some discussion on 3/12/2006 at about 6.00 P.M. Shankar, his son Santosh and sister-in-law Parvatibai and Nirmalabai were sitting infront of their house and discussing the question of partition. The applicants, who are accused Nos. 1 to 6, heard the talk and got annoyed. Therefore, they allegedly beat Santosh and others. Due to that incident Santosh was very much depressed and in that condition he went to the field and consumed some poison. At about 8.00 P.M. he returned home and vomited. When he was being taken to the hospital at about 9.15 P.M. he died. Thus, according to prosecution Santosh had committed suicide by consuming poison. In view of the fact that because of some dispute pertaining partition, accused persons had man-handled Santosh and others, it is difficult to assume that the intention of the accused persons was to abet Santosh to commit suicide. Therefore, I find that it is fit case to grant bail to the applicants.

2. The applicants be released on their executing P.R. of Rs. 10,000/- each with surety in like amount with conditions that they shall not tamper with prosecution evidence and shall not misuses the bail.

(J.H. BHATIA, J.)